

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

DANIEL GRAHAM,

Plaintiff,

v.

UNITED HEALTHCARE SERVICES,
INC.,

Defendant.

§
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§
§
§
§
§
§

Case No. 1:21-cv-773

INDEX OF STATE COURT DOCUMENTS

Defendant, United Healthcare Services, Inc., files its Index of State Court Documents, and states:

<u>Exhibit</u>	<u>Date</u>
1. Docket Sheet as of 08/26/2021	
2. Petition: Small Claims Case	08/02/2021
3. Justice Court Citation	08/02/2021
4. Service of Process Transmittal Received by Defendant	08/06/2021
5. Return of Service	08/11/2021
6. Defendant's Original Answer	08/17/2021

EXHIBIT A

Dated: September 1, 2021

Respectfully submitted,

By: /s/ Kristina A. Pierre-Louis

Andrew G. Jubinsky

Texas Bar No. 11043000

andy.jubinsky@figdav.com

Lead Counsel

Of Counsel:

Kristina A. Pierre-Louis

Texas Bar No. 24092973

kristina.pierre-louis@figdav.com

FIGARI + DAVENPORT, L.L.P.

901 Main Street, Suite 3400

Dallas, Texas 75202

Telephone: (214) 939-2000

Facsimile: (214) 939-2090

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been served on the parties listed below on September 1, 2021.

Via CMRRR:

Daniel Graham

5812 Mossbrook Trail

Plano, Texas 75252

/s/ Kristina A. Pierre-Louis

Kristina A. Pierre-Louis

PRECINCT TWO

CASE SUMMARY

CASE NO. J2-CV-21-002458

Daniel Graham vs. UNITED HEALTHCARE SERVICES, INC

§
§
§
§

Location: **Precinct Two**
Judicial Officer: **Slagle, Randall**
Filed on: **08/02/2021**

CASE INFORMATION

Case Type: **Small Claims**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	J2-CV-21-002458
Court	Precinct Two
Date Assigned	08/02/2021
Judicial Officer	Slagle, Randall

PARTY INFORMATION

Lead Attorneys

Plaintiff **Graham, Daniel**

Defendant **UNITED HEALTHCARE SERVICES, INC**

Jubinsky, Andrew George
Retained
2149392000(W)

DATE


EVENTS & ORDERS OF THE COURT

INDEX

08/02/2021  Citation Issued
emailed to pct 2 const. kd

08/02/2021 **Citation**
UNITED HEALTHCARE SERVICES, INC
Served: 08/11/2021
Actual Server: Constable
Return Date/Time: 08/11/2021
Serving Method: Certified Mail

08/02/2021 Original Petition (OCA)

08/02/2021  Petition/Application via E-File
Guide and File - Petition

08/11/2021  Return of Service Filed

08/17/2021  Answer
Defendant United Healthcare Services, Inc.'s Original Answer

DATE

FINANCIAL INFORMATION

Plaintiff Graham, Daniel

Total Charges

Total Payments and Credits

Balance Due as of 08/26/2021

131.00

131.00

0.00

EXHIBIT A-1

FILED: 8/2/2021 4:01 PM

JUDGE RANDALL SLAGLE
JUSTICE OF THE PEACE, PCT. 2
TRAVIS COUNTY, TEXAS**PETITION: SMALL CLAIMS CASE**CASE NO. (court use only) J2-CV-21-2458In the Justice Court, Precinct 2, Travis County, Texas**Daniel Graham**
PLAINTIFF

VS.

UNITED HEALTHCARE SERVICES, INC 9900 BREN RD EAST MN008-T390 MINNETONKA, MN 55343
DEFENDANT(S)**COMPLAINT:** The basis for the claim which entitles the plaintiff to seek relief against the defendant is:**I have received three calls (6/23 @ 12:20PM, 6/23 @ 12:28PM, & 6/24 @ 4:26PM) from United Healthcare agents on my number (214-236-7996) which is registered on the National Do Not Call list. Each call spoofed caller ID information & used a fictitious company name, in addition to calling a number registered on the national do not call list. United Healthcare either knew or should have known these TCPA violations were happening, yet still authorized these agents to sell their product.****RELIEF:** Plaintiff seeks damages in the amount of **\$4,630.00**, and/or return of personal property as described as follows (be specific): , which has a value of

Additionally, plaintiff seeks the following:

plus all costs of court as allowed by law.

SERVICE OF CITATION: Service is requested on defendants by personal service at home or work or by alternative service as allowed by the Texas Justice Court Rules of Court. Other addresses where the defendant(s) may be served are:**C T CORPORATION SYSTEM**
1999 BRYAN ST., STE. 900 DALLAS, TX 75201
(Please serve by certified mail)☒ If you wish to give your consent for the answer and any other motions or pleadings to be sent to your email address, please check this box, and provide your valid email address: danielgrahamcpa@gmail.com.

I declare under penalty of perjury, pursuant to the law of the State of Texas, that all information provided is true and correct.

Daniel Graham

Petitioner's Printed Name

/s/ Daniel Graham

Signature of Plaintiff or Attorney

DEFENDANT(S) INFORMATION (if known):

DATE OF BIRTH: _____

*LAST 3 NUMBERS OF DRIVER LICENSE: _____

*LAST 3 NUMBERS OF SOCIAL SECURITY: _____

DEFENDANT'S PHONE NUMBER: _____

5812 Mossbrook Trail

Address of Plaintiff's Attorney, if any, or Plaintiff if none

Dallas, TX 75252

City

State

Zip

Ph. 214-236-7996Fax.

Phone & Fax No. of Plaintiff's Attorney, if any, or Plaintiff if none

danielgrahamcpa@gmail.com

JUSTICE COURT CITATION

Docket Number: J2-CV-21-002458

Plaintiff:

Daniel Graham
5812 MOSSBROOK TRAIL
DALLAS TX 75252

Defendant:

vs. UNITED HEALTHCARE SERVICES, INC
9900 BREN RD EAST MN008-T390
MINNETONKA MN 55343

Represented by:

By Serving:
CT CORPORATION SYSTEM
1999 BRYAN ST. STE 900
DALLAS, TX 75201

THE STATE OF TEXAS to: UNITED HEALTHCARE SERVICES, INC, Defendant(s):

You have been sued. You may employ an attorney to help you in defending against this lawsuit. But you are not required to employ an attorney. You or your attorney must file an answer with the court. Your answer is due by the end of the 14th day after the day you were served with these papers. If the 14th day is a Saturday, Sunday, or legal holiday, your answer is due by the end of the first day following the 14th day that is not a Saturday, Sunday, or legal holiday. Do not ignore these papers. If you do not file an answer by the due date, a default judgment may be taken against you. For further information, consult Part V of the Texas Rules of Civil Procedure, which is available online and also at the court listed on this citation.

Filed on the 2nd day of August, 2021. Issued and given under my hand on the 2nd day of August, 2021.



JUDGE RANDALL SLAGLE
JUSTICE OF THE PEACE, PRECINCT 2
10409 BURNET ROAD, SUITE 180
AUSTIN, TEXAS 78758
JP2@traviscountytexas.gov



EXHIBIT A-3

JUSTICE COURT CITATION

Judge Randall Slagle
Travis County Justice of the Peace, Precinct 2
Cause No. J2-CV-21-002458
Daniel Graham vs. UNITED HEALTHCARE SERVICES, INC

OFFICER'S RETURN

.....

Came to hand on the _____ day of _____, 20____ at _____ o'clock ____M.
Executed at _____ o'clock ____M on the _____ of _____, 20____, by delivering a true
copy of this citation together with the accompanying copy of the petition after endorsing the date of
delivery on the citation, to the Defendant: _____

(Check manner of service below)

___ In person at 9900 Bren Rd East Mn008-t390 Minnetonka Mn 55343

___ By Rule 501.2(e); by attaching to the front door at 9900 Bren Rd East Mn008-t390 Minnetonka Mn
55343 and mailing a copy by first class mail on _____ 20 ____.

___ By Rule 501.2(e); by delivering to _____, who is
at least 16 years of age at 9900 Bren Rd East Mn008-t390 Minnetonka Mn 55343 and mailing a copy by
first class mail on _____ 20 ____.

___ Other; _____

___ Not Executed; _____

To certify which witness my hand officially,

Adan Ballesteros, Constable
Travis County Constable Pct. 2

Service Fee: _____

By Deputy _____

Print Name _____



**Service of Process
Transmittal**

08/06/2021

CT Log Number 540033440

TO: Rebecca Thompson
UnitedHealth Group Incorporated (111504190770700600)
9900 Bren Rd E Ste 300W, MN008-T502
Minnetonka, MN 55343-9693

RE: Process Served in Texas

FOR: United HealthCare Services, Inc. (200204190770700600) (Domestic State: MN)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Daniel Graham, Pltf. vs. UNITED HEALTHCARE SERVICES, INC, Dft.
Name discrepancy noted.

DOCUMENT(S) SERVED: --

COURT/AGENCY: None Specified
Case # 32CV21002458

NATURE OF ACTION: Insurance Litigation

ON WHOM PROCESS WAS SERVED: C T Corporation System, Dallas, TX

DATE AND HOUR OF SERVICE: By Certified Mail on 08/06/2021 postmarked on 08/04/2021

JURISDICTION SERVED : Texas

APPEARANCE OR ANSWER DUE: None Specified

ATTORNEY(S) / SENDER(S): None Specified

ACTION ITEMS: CT has retained the current log, Retain Date: 08/06/2021, Expected Purge Date:
09/05/2021

Image SOP

Email Notification, Administrative Assistant legalmail@uhg.com

REGISTERED AGENT ADDRESS: C T Corporation System
1999 Bryan Street
Suite 900
Dallas, TX 75201
877-564-7529
MajorAccountTeam2@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.

CM

RECEIVED
2021/08/11
By Abegg/C at 3:17 pm, 8/11/21

JUSTICE COURT CITATION

Docket Number: J2-CV-21-002458

Plaintiff:

Daniel Graham
5812 MOSSBROOK TRAIL
DALLAS TX 75252

Defendant:

vs. UNITED HEALTHCARE SERVICES, INC
9900 BREN RD EAST MN008-T390
MINNETONKA MN 55343


Represented by:

By Serving:
CT CORPORATION SYSTEM
1999 BRYAN ST. STE 900
DALLAS, TX 75201

THE STATE OF TEXAS to: UNITED HEALTHCARE SERVICES, INC, Defendant(s):

You have been sued. You may employ an attorney to help you in defending against this lawsuit. But you are not required to employ an attorney. You or your attorney must file an answer with the court. Your answer is due by the end of the 14th day after the day you were served with these papers. If the 14th day is a Saturday, Sunday, or legal holiday, your answer is due by the end of the first day following the 14th day that is not a Saturday, Sunday, or legal holiday. Do not ignore these papers. If you do not file an answer by the due date, a default judgment may be taken against you. For further information, consult Part V of the Texas Rules of Civil Procedure, which is available online and also at the court listed on this citation.

Filed on the 2nd day of August, 2021. Issued and given under my hand on the 2nd day of August, 2021.



JUDGE RANDALL SLAGLE
JUSTICE OF THE PEACE, PRECINCT 2
10409 BURNET ROAD, SUITE 180
AUSTIN, TEXAS 78758
JP2@traviscountytx.gov



EXHIBIT A-5

JUSTICE COURT CITATION

Judge Randall Slagle
Travis County Justice of the Peace, Precinct 2
Cause No. J2-CV-21-002458
Daniel Graham vs. UNITED HEALTHCARE SERVICES, INC

OFFICER'S RETURN

Came to hand on the 2nd day of August, 20 21 at 4:51 o'clock P M.
Executed at 12:45 o'clock P M on the 11th of August, 20 21, by delivering a true
copy of this citation together with the accompanying copy of the petition after endorsing the date of
delivery on the citation, to the Defendant: CT Corporation System

(Check manner of service below)

☐ In person at 9900 Bren Rd East Mn008-t390 Minnetonka Mn 55343

☐ By Rule 501.2(e); by attaching to the front door at 9900 Bren Rd East Mn008-t390 Minnetonka Mn
55343 and mailing a copy by first class mail on _____ 20 ____.

☐ By Rule 501.2(e); by delivering to _____, who is
at least 16 years of age at 9900 Bren Rd East Mn008-t390 Minnetonka Mn 55343 and mailing a copy by
first class mail on _____ 20 ____.

☒ Other; Certified mail; Received by Kirk Atkins

☐ Not Executed; _____

To certify which witness my hand officially,

Adan Ballesteros, Constable
Travis County Constable Pct. 2

Service Fee: 80⁰⁰

By Deputy CE 205
Print Name Edwards

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

CT CORPORATION SYSTEMS
1999 BRYAN ST. SUITE 900
DALLAS TX 75201



9590 9402 5218 9122 1847 11

2. Article Number (Transfer from service label)

7019 1120 0000 1622 8860

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

Kirk Atkins

C. Date of Delivery

AUG 06 2021

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☒ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

USPS TRACKING #



9590 9402 5218 9122 1847 11

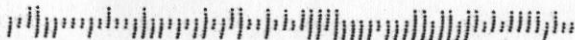
**United States
Postal Service**

• Sender: Please print your name, address, and ZIP+4® in this box •

*CONSTABLE ADAN BALLESTEROS
TRAVIS COUNTY PCT. 2
10409 BURNET RD. SUITE 150
AUSTIN TX 78758*

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

civil



CAUSE NO. J2-CV-21-2458

DANIEL GRAHAM,	§	IN THE JUSTICE COURT
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	PRECINCT NO. 2
	§	
UNITED HEALTHCARE SERVICES,	§	
INC.,	§	
	§	
<i>Defendant.</i>	§	TRAVIS COUNTY, TEXAS

DEFENDANT UNITED HEALTHCARE SERVICES, INC.'S
ORIGINAL ANSWER

Defendant United HealthCare Services, Inc. ("United") files its original answer and states:

GENERAL DENIAL

1. Subject to such admissions and stipulations as may be made at or before time of trial, United denies generally and specifically the material allegations in Plaintiff's Small Claims Petition ("Petition"), pursuant to TEX. R. CIV. P. 502.5(b), and demands strict proof thereof in accordance with the requirements of the laws of this State.

DEFENSES

2. Plaintiff's Petition fails to state a claim upon which relief may be granted.
3. United states that it has established and implemented with due care reasonable practices and procedures to effectively prevent calls that may violate 47 U.S.C. § 227(c) and its implementing regulation.
4. Plaintiff's claims are barred, in whole or in part, by the doctrine of waiver.

EXHIBIT A-6

5. Plaintiff's claims are barred, in whole or in part, by the doctrine of estoppel.
6. Plaintiff's claims are barred, in whole or in part, by the doctrine of *in pari delicto*.
7. Plaintiff's claims are barred, in whole or in part, by the doctrine of unclean hands.
8. Plaintiff's claims are barred, in whole or in part, because Plaintiff has incurred no actual damages as a result of any purported violations of the TCPA.
9. Plaintiff's claims are barred, in whole or in part, as any violation of the TCPA, 47 U.S.C. § 277 *et seq.* of the U.S. Code resulting from the actions complained of in the Petition were not done willfully or knowingly.
10. Plaintiff's claims are barred as Plaintiff's own acts or omissions caused or contributed to Plaintiff's alleged injury.
11. Plaintiff's claims for exemplary and/or punitive damages is barred as it violates United's right to procedural and substantive due process under the Fifth and Fourteenth Amendments of the United States Constitution and the Texas Constitution. Moreover, such damages are barred in whole or in part by Chapter 41 of the Texas Civil Practice & Remedies Code and other applicable statutes, damage caps, and limitations.
12. United reserves the right to amend this Answer and assert additional affirmative defenses as may be appropriate.

REQUEST FOR RELIEF

13. United requests the following relief:
 - a. That Plaintiff take nothing by reason of his claims;

- b. That Plaintiff's claims against United be dismissed with prejudice;
- b. That United recover its costs and attorneys' fees; and
- c. That United have such other and further relief, both general and special, at law and in equity, to which it may show itself justly entitled.

Dated: August 17, 2021

Respectfully submitted,

By: /s/ Kristina A. Pierre-Louis

Andrew G. Jubinsky

Texas Bar No. 11043000

andy.jubinsky@figdav.com

Kristina A. Pierre-Louis

Texas Bar No. 24092973

kristina.pierre-louis@figdav.com

FIGARI + DAVENPORT, LLP

901 Main Street, Suite 3400

Dallas, Texas 75202

Telephone: (214) 939-2000

Facsimile: (214) 939-2090

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been served on the parties listed below on August 17, 2021.

Via CMRRR:

Daniel Graham

5812 Mossbrook Trail

Dallas, Texas 75252

/s/ Kristina A. Pierre-Louis

Kristina A. Pierre-Louis